IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	John Kerr	§	Group Art Unit: 2617
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Application No	10/539,194	§	Examiner: Ho, Huy C
		§	
Filed:	04/20/2006	§	Confirmation No: 2334
		§	
		§	

Attorney Docket No: P17794-US1
Customer No.: 27045

For: Two Step Database Interrogation for Supporting the Implementation of a Fall-Back at Call Set-Up

Via EFS-Web

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313.1450

APPEAL UNDER 35 U.S.C. §134

This Brief is submitted in connection with the decision of the Primary Examiner set forth in Final Official Action dated October 4, 2007, finally rejecting claims 12-28, which are all of the pending claims in the application.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §41.20(b)(2) that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-1379.

Real Party in Interest

The real party in interest, by assignment, is: Telefonaktiebolaget LM Ericsson (publ)
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Related Appeals and Interferences

None.

Status of Claims

Claims 12-28 are pending in the present application, each of which are finally rejected and form the basis for this Appeal. Claims 12-28 stand rejected, under 35 U.S.C. §103(a), as being unpatentable over Rasanen, *et al.* (US 7,181,202) in view of Houde (US 6,032,043). Claims 12-28, including all amendments to the claims, are attached in the Claims Appendix. The rejection of claims 12-28 is appealed.

Status of Amendments

The claims set out in the Claims Appendix include all entered amendments. No amendment has been filed subsequent to the final rejection.

Summary of Claimed Subject Matter

Claim Element	Specification Reference
12. A method for setting up a connection in a system for mobile telecommunications, wherein the following steps are performed by a first call control node:	Page 4, line 20, *et seq.*
receiving a call set-up request message comprising an indication of at least two services and an identification of a called party;	Page 4, line 23, *et seq.*; Figure 2, Step 201.
sending a routing information request message to a database for storing subscriber data, wherein the request comprises an identification of a first of the at least two services, an identification of the called party, and an indication that at least one further routing request message will be sent;	Page 4, line 27, *et seq.*; Figure 2, Step 202.
receiving a response message from the database;	Page 5, line 8, *et seq.*; Figure 2, Step 203.
determining that the response message comprises an indication that the database is adapted to process the indication that at least	Page 5, line 9, *et seq.*; Figure 2, Step 204.

one further routing info request message will be sent;	
sending a further routing information request message comprising an identification of a further service, and receiving a further response message;	Page 5, line 12, *et seq.*; Figure 2, Step 205; Page 5, line 15, *et seq.*; Figure 2, Step 206;
analysing the received response messages; and,	Page 5, line 15, *et seq.*; Figure 2, Step 207.
sending or not in dependence of the result of the analysis a call set-up request message to a further call control node.	Page 5, line 16, *et seq.*; Figure 2, Step 208.

Claim Element	Specification Reference
14. A method for setting up a connection in a system for mobile telecommunications, wherein the following steps are performed by a database for storing subscriber data:	Page 7, line 12, *et seq.*
receiving a routing information request message comprising an identification of a first service, an identification of a called party, and an indication that at least one further routing request message will be sent;	Page 7, line 15, *et seq.*; Figure 3, Step 301.
checking subscriber data of the called party;	Page 7, line 17, *et seq.*; Figure 3, Step 302.
determining that the requested service is permitted for a connection to the called party;	Page 7, line 17, *et seq.*; Figure 3, Step 303.
fetching a number for further setting up of the connection towards the called party;	Page 7, line 19, *et seq.*; Figure 3, Step 304.
preparing a response message related to the result of the check; and,	Page 7, line 24, *et seq.*; Figure 3, Step 305.
sending the response message comprising the number for further setting up and an indication that the database is adapted to process the indication that at least one further routing info request message will be sent.	Page 7, line 24, *et seq.*; Figure 3, Step 306.

Claim Element	Specification Reference
23. A call control node comprising:	Page 8, line 11, *et seq.*
a message generation unit for generating a first routing information request message with an indication of a first service, an identification of a called party and an indicator that at least one further routing request message will be sent, and for generating at least one further routing request message comprising an indication of a second service.	Page 8, line 11, *et seq.* (See, also, the description of the method associated with Figure 2, at page 4, line 20, *et seq.*)

Claim Element	Specification Reference
25. A database for storing subscriber data, comprising:	Page 8, line 23, *et seq.*
a processing unit adapted to process an indication received in a routing information request message indicating that at least one further routing request message will be sent, wherein a mobile station roaming number is fetched and sent only in response to a first routing information request message for a connection and wherein an indication is returned in said response indicating that the database is adapted to handle the received indicator.	Page 8, line 23, *et seq.* (See, also, the description of the method associated with Figure 3 at page 7, line 12, *et seq.*)

The specification references listed above are provided solely to comply with the USPTO's current regulations regarding appeal briefs. The use of such references should not be interpreted to limit the scope of the claims to such references, nor to limit the scope of the claimed invention in any manner.

Grounds of Rejection to be Reviewed on Appeal

1.)   Claims 12-28 stand rejected, under 35 U.S.C. §103(a), as being unpatentable over Rasanen, *et al.* (US 7,181,202) in view of Houde (US 6,032,043)

Argument

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations (MPEP 2143). In that regard, the Applicant respectfully submits that the Examiner's two references fail to teach or suggest each and every element of the pending independent claims.

The Applicant's invention discloses and claims a method for setting up a connection in a system for mobile telecommunications. The method includes the steps of: 1) receiving a call set-up request message comprising an indication of at least two services and an identification of a called party; 2) sending a routing information request message to a database for storing subscriber data, wherein the request comprises an identification of a first of the at least two services, an identification of the called party, and an indication that at least one further routing request message will be sent; 3) receiving a response message from the database; 4) determining that the response message comprises an indication that the database is adapted to process the indication that at least one further routing info request message will be sent; 5) sending a further routing information request message comprising an identification of a further service, and receiving a further response message; 6) analyzing the received response messages; and, 7) sending or not in dependence of the result of the analysis a call set-up request message to a further call control node.

The Examiner has generally stated that Rasanen discusses a method for "setting a communication link between users, this evolving [*sic*] network elements such as controller entities as base station controllers, mobile switching centers, MSCs, MSC servers (MSS), MSS gateways (MGW), serving entities for mobile stations (home register locations), thus these disclose database, where users information being extracted as necessary for routing request messages via the network . . ." (Final Office Action, dated October 10, 2007; "Response to Arguments") Regardless of whether any of the entities disclosed in Rasanen include a database, the Examiner has failed to point

to any functions disclosed in Rasanen that read on the functionality claimed by Applicant. In particular, Rasanen merely discloses communication between two mobile stations that utilize control nodes to perform the disclosed functions (see FIG. 1, Col. 6, lines 4-67). The Applicant's invention is characterized by providing an indicator to a database storing subscriber data. The Applicant's invention provides a novel method to inform the database that a request is being made for more than one service during call set-up. The teachings of Rasanen not only do not specifically disclose a database, but do not disclose the functions claimed by Applicant.
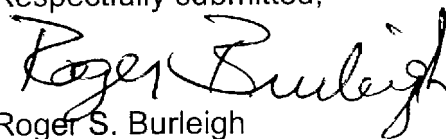
Rasanen also does not teach sending a message providing an indicator that at least one further routing request message will follow. The Examiner has cited several passages supporting this function in Rasanen. A careful review of the cited passages, as well as the entire specification of Rasanen, however, does not reveal any such disclosure. Moreover, there is nothing in the teachings of Rasanen related to sending any analogous message type to a database for the purpose as claimed by Applicant. Therefore, there is no support for the Examiner's assertion that Rasanen teaches many elements of the invention recited in claim 12. Similarly, the Examiner has not pointed to any teaching in Houde of the claimed functionality. Therefore, the Examiner has failed to establish a *prima facie* case of obviousness of claim 12. Whereas independent claims 14, 23 and 25 recite limitations to the same or analogous functionality, those claims are also not obvious over Rasanen in view of Houde. Furthermore, whereas claims 13 and 16-22 are dependent from claim 12, claim 15 is dependent from claim 14, claim 24 is dependent from claim 23, and claims 26-28 are dependent from claim 25, and include the limitations of their respective base claims, those claims are also not obvious over Rasanen in view of Houde.

* * *

CONCLUSION

The claims currently pending in the application are patentable over Rasenen in view of Houde, and the Applicant requests that the Examiner's rejection thereof be reversed and the application be remanded for further prosecution.

Respectfully submitted,

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Date: April 25, 2008

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CLAIMS APPENDIX

Listing of Claims:

1-11. (Cancelled)

12. (Previously Presented) A method for setting up a connection in a system for mobile telecommunications, wherein the following steps are performed by a first call control node:

receiving a call set-up request message comprising an indication of at least two services and an identification of a called party;

sending a routing information request message to a database for storing subscriber data, wherein the request comprises an identification of a first of the at least two services, an identification of the called party, and an indication that at least one further routing request message will be sent;

receiving a response message from the database;

determining that the response message comprises an indication that the database is adapted to process the indication that at least one further routing info request message will be sent;

sending a further routing information request message comprising an identification of a further service, and receiving a further response message;

analysing the received response messages; and,

sending or not in dependence of the result of the analysis a call set-up request message to a further call control node.

13. (Previously Presented) The method recited in claim 12, wherein the step of sending a further routing information request is repeated until a routing information request message is sent for each service indicated in the call set-up message.

14. (Previously Presented) A method for setting up a connection in a system for mobile telecommunications, wherein the following steps are performed by a database for storing subscriber data:

receiving a routing information request message comprising an identification of a first service, an identification of a called party, and an indication that at least one further routing request message will be sent;

checking subscriber data of the called party;

determining that the requested service is permitted for a connection to the called party;

fetching a number for further setting up of the connection towards the called party;

preparing a response message related to the result of the check; and,

sending the response message comprising the number for further setting up and an indication that the database is adapted to process the indication that at least one further routing info request message will be sent.

15.   (Previously Presented)   The method recited in claim 14, wherein in response to receiving the further routing information request message, the steps of checking, preparing and sending are performed, and wherein a response message is sent that does not comprise a mobile station roaming number.

16.   (Previously Presented)   The method recited in claim 12, wherein the first call control node is a gateway mobile services switching centre.

17.   (Previously Presented)   The method recited in claim 12, wherein the database is a home location register or a home subscriber server.

18.   (Previously Presented)   The method recited in claim 12, wherein the number is a mobile station roaming number or a forwarded to number.

19.   (Previously Presented)   The method recited in claim 12, wherein the routing request message is a send routing information message.

20. (Previously Presented) The method recited in claim 12, wherein the response message is a send routing information result message.

21. (Previously Presented) The method recited in claim 12, wherein the call set-up request message is an initial address message.

22. (Previously Presented) The method recited in claim 12, wherein the further call control node is a mobile services switching centre.

23. (Previously Presented) A call control node comprising:

a message generation unit for generating a first routing information request message with an indication of a first service, an identification of a called party and an indicator that at least one further routing request message will be sent, and for generating at least one further routing request message comprising an indication of a second service.

24. (Previously Presented) The call control node according to claim 23, wherein the call control node is a gateway mobile services switching centre.

25. (Previously Presented) A database for storing subscriber data, comprising:

a processing unit adapted to process an indication received in a routing information request message indicating that at least one further routing request message will be sent, wherein a mobile station roaming number is fetched and sent only in response to a first routing information request message for a connection and wherein an indication is returned in said response indicating that the database is adapted to handle the received indicator.

26. (Previously Presented) The database recited claim 25, wherein the database is a home location register.

27.   (Previously Presented)   The database recited claim 25, wherein the database is an authentication, authorization and accounting server.

28.   (Previously Presented)   The database recited claim 25, wherein the database is a home subscriber server.

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EVIDENCE APPENDIX

None.

RELATED PROCEEDINGS APPENDIX

None.

APPLICANTS' APPEAL BRIEF